

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14771 of Barney R. Shapiro, pursuant to 11 DCMR 3107.2, for a variance from the minimum lot width requirements (Sub-section 401.3), and a variance under Sub-section 2516.2 from exceptions to building lot control to allow a theoretical lot subdivision for the proposed construction of three flats in an R-4 District at premises 640, 650 and 660 - 4th Street, N.E., (Square 778, Lot 122).

HEARING DATE: March 16, 1988
DECISION DATE: April 6, 1988

FINDINGS OF FACT:

1. The subject site is located in a R-4 District on the west side of 4th Street between F and G Streets, N.E.
2. The site is currently vacant and is a T-shaped lot, approximately 6,370 square feet in area. The top of the "T", at the west end of the lot, includes eight former alley lots, and is substantially surrounded by public alleys. The bottom portion of the "T", formerly Lot 48 and a segment of a closed alley, serves as a connector between the former alley lots and 4th Street, N.E.
3. The subject square is bounded on the north by G Street, on the south by F Street, on the west by Third Street, and on the east by Fourth Street. The applicant proposes to construct three row flats on the site, using theoretical lot lines pursuant to Section 2516.
4. By Order No. 13579, dated January 18, 1982 the BZA approved an application for a variance from the lot width requirements to construct three row flats at the site using theoretical lot lines. The buildings were never constructed and approval lapsed.
5. The required lot width for a flat in an R-4 District is eighteen feet. The major portion of each of the theoretical lots, including those areas on which the flats are to be constructed, are between thirty-two and thirty-eight feet wide. However, the lot width is determined by dividing the total lot area by the lot depth. In this instance, the width of the narrow walkways to Fourth Street are computed with the width of the rest of the lots, with the result that the theoretical lots average 13.9 feet, 14 feet and 14.5 feet in width.

6. The three theoretical lots meet or exceed the required lot area, lot occupancy, parking space, and rear yard requirements of the Zoning Regulations.

7. The size and shape of the subject site presents only limited options for development. The strict application of the Zoning Regulations in this case would result in the establishment of only two theoretical lots on this site, which would have over 3,000 square feet each. Lots of this size are normally found in the R-2 District.

8. There is only three feet of space between the lot line of the bottom portion of the "T" and the adjacent apartment buildings. Thus, any construction on this portion of the lot would significantly restrict the light and air to these buildings. However, the applicant proposes no construction on this portion of the lot. The portion of the lot between the three row dwellings and Fourth Street will be a walkway paved and landscaped.

9. The rear of the buildings in front of the proposed construction will be a minimum of approximately seventeen feet away.

10. The lower units in the flats will be approximately 1,000 square feet in area. The upper units will be approximately 1,500 square feet in area. The proposed flats will be less dense than many of the surrounding uses.

11. By memorandum dated March 4, 1988 the Office of Planning (OP) recommended that the application be approved and noted that the applicant is requesting the same relief previously approved and that conditions in the area have remained the same in the intervening period of time. The Board concurs.

12. By letter dated March 7, 1988, Advisory Neighborhood Commission 6A reported that no objections to the application were expressed by citizens or ANC members and that the ANC recommended approval of the application. The Board concurs with the recommendation.

13. The Capitol Hill Restoration Society, by letter dated March 14, 1988, supported the application. The Society found that because of the unusual shape of the lot, strict application of the regulations would result in practical difficulties for the owner. The Society further reported that the proposed townhouses would constitute a valuable addition to the neighborhood. The Board concurs with the findings and recommendation of the Society.

14. By letters dated March 12, 1988 and February 29, 1988, the Stanton Park Neighborhood Association and a

neighbor of the site expressed their support for the application.

15. At the public hearing and by letter dated March 9, 1988, unit owners of the Tuscany Condominium, located on a lot fronting Fourth Street, N.E. directly in front of the subject lot, expressed their opposition to the application as the proposed structures will be located approximately 22 feet from the rear wall of the Tuscany and will significantly cut off the sunlight and airspace now enjoyed by the westside unit owners Tuscany. The unit owners requested that the proposed structures be located five feet further to the west on the subject site. The Board finds that relocating the structures to the west of the site will infringe on the required rear yard and parking spaces, and will not provide substantially more light or air to the condominiums.

CONCLUSIONS OF LAW AND OPINION:

Based on the Findings of Fact and the evidence of record, the Board concludes that the requested variance is an area variance, the granting of which requires the showing of an exceptional or extraordinary condition of the property which creates a practical difficulty for the owner. The Board concludes that the subject site is of an exceptional size and shape. The Board further concludes that strict application of the Regulations would create practical difficulties for the owner by preventing reasonable development of the property.

The Board further concludes that the proposed relief will not have any adverse effect on the neighborhood and will not impair the intent, purpose or integrity of the Zoning Regulations. A vacant lot will be put to a residential use which is less dense than many of the surrounding uses. The lot will be landscaped and the project will be constructed in such a way that it will not interfere with the light and air of the adjacent uses. The Board concludes that it has accorded to the ANC the "great weight" to which it is entitled. The Board concludes that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and maps. It is therefore ORDERED that the application is GRANTED subject to the CONDITION that construction shall be in accordance with the plans marked as Exhibit No. 10, as amended by Exhibit No. 30, of the record.

VOTE: 3-0 (Charles R. Norris, William F. McIntosh and Carrie L. Thornhill to grant; Paula L. Jewell not present not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER: APR 29 1988

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

14771order/KATE37

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



APPLICATION No. 14771

As Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that a copy of the Order of the Board in the above numbered case, said Order dated _____, has been mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

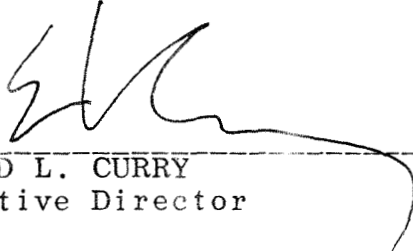
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Robert Glen
676 - 4th St., N.E.
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EDWARD L. CURRY
Executive Director

DATE: APR 29 1988